

05-14-07

1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Michael A. Tainsky, et al.

Serial No. 10/004,587

Group Art Unit: 1631

Filed: 12/04/2001

Examiner: CLOW, Lori A.

For: NEOEPIPOPE DETECTION OF DISEASE USING
PROTEIN ARRAYS

Attorney Docket No: 0788.00063

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated March 2, 2007, Paper Number Mail Date 20070227. Claims 7 and 8 are currently pending in the application. Only claim 7 is in independent form.

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as obvious over the Sioud et al., reference in view of the Miller et al. PCT publication. Reconsideration of the rejection under 35 U.S.C. §103(a) over the Sioud et al., reference in view of the Miller et al. PCT publication, as applied to the claims is respectfully requested.

It is Hornbook Law that before two or more references may be combined to negate patentability of a claimed invention, at least one of the references must teach or suggest the benefits to be obtained by the combination. This statement of law was first set forth in the landmark case of Ex parte McCullom, 204 O.G. 1346; 1914 C.D. 70. This decision was rendered by Assistant Commissioner Newton upon